

The 209A Restraining Order Process

Step #1 A temporary 209A restraining order is granted either:

- By a judge in court during regular court business hours; or
- Over the phone by a judge after court hours or over a weekend by contacting local police.

If granted over the phone, the victim (plaintiff) must appear in court the next time it is in session to extend the order.

A temporary order is good for up to 10 days until the date on which a hearing is scheduled (called the 10 Day Hearing). At the hearing both the victim (plaintiff) and abuser (defendant) may appear before the judge to state his or her case.

Step #2 The police serve a copy of the order on the abuser (defendant).

Step #3 The victim (plaintiff) must (for the order to be continued) and the abuser (defendant) may appear in court for the 10 Day Hearing to continue or dismiss the order. A representative may appear on behalf of the victim if the victim is unable to appear "because of severe hardship due to the [victim's] physical condition."

If the abuser (defendant) has not appeared in court for the 10 Day Hearing, the police will serve the extended order if it is granted. If the abuser (defendant) has appeared in court and the order is extended, s/he will receive a copy of the order from the clerk that day.

Step #4 The restraining order may be extended for up to one year.

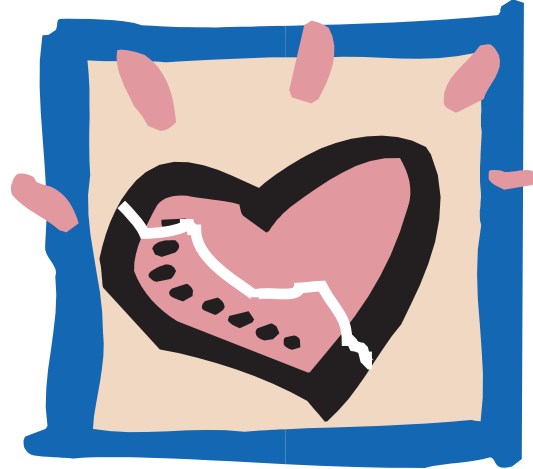


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Domestic Violence Abusive Relationships



**You are not alone...
You are not to blame...
We care about your safety.**

Are You in an Abusive Relationship?

Does your partner...

Use emotional and psychological control?

- ✦ call you names, yell, put you down, make racial or other slurs, or frequently criticize or undermine you and your abilities as a wife, partner, or mother?
- ✦ behave in an overprotective way or become extremely jealous?
- ✦ prevent you from going where you want to, when you want to, and with whomever you choose as a companion?
- ✦ humiliate or embarrass you in front of other people?

Use economic control?

- ✦ deny you access to family assets like bank accounts, credit cards, or a car?
- ✦ control all the finances, force you to account for what you spend, or take your money?
- ✦ prevent or try to prevent you from getting or keeping a job or from going to school.
- ✦ limit your access to health, prescription or dental insurance?

Make threats and use intimidation?

- ✦ threaten to report you to the authorities (the police or child protective services) for something you did or didn't do?
- ✦ threaten to harm or kidnap the children?
- ✦ display weapons as a way of making you afraid or directly threaten you with weapons?
- ✦ use his or her anger or "loss of temper" as a threat to get you to do what s/he wants?
- ✦ make angry or threatening gestures; use physical size to intimidate; stand in doorway blocking exit; drive recklessly when you are in the vehicle?

Commit acts of physical violence?

- ✦ carry out threats to hurt you, your children, pets, family members, friends, or himself?
- ✦ destroy personal property or throw things around?
- ✦ grab, push, hit, punch, slap, kick, choke, or bite you?
- ✦ use force, threats or coerce you to engage in sexual acts that you don't want to do?

Help is available.

Safety planning, advice, legal advocacy, safe shelter and counseling for victims and children.



Abuse Prevention Law Restraining Order Questions

What is abuse? Domestic violence is a crime. The Massachusetts Abuse Prevention Law (also known as Chapter 209A) defines abuse as:

- Actual physical abuse or an attempt to physically harm another;
- Placing another in fear of imminent serious physical harm; or
- Forcing someone to have sex.

Who is protected by the law?

You have the right to seek legal protection through an abuse prevention order, often referred to as a “restraining order” if you are being abused by a:

- Spouse or ex-spouse
- (Ex)boyfriend or (ex)girlfriend
- Family member of any age
- Current or former member of your household
- Person you have been dating
- Person you have had a child with
- Live-in caregiver

A domestic violence victim may be male or female. A domestic violence victim can apply for a restraining order regardless of immigration status.

What is a restraining order?

A 209A restraining order is a civil order intended to prevent future abuse. The plaintiff (the person seeking the order) can ask the court to include several kinds of protection in the order.

When can I get a restraining order?

During regular court business hours, you can go to your local court and apply for a restraining order. There is no fee and you do not need an attorney. A Norfolk District Attorney's Office Domestic Violence Advocate is available to assist you during regular court business hours. On nights, weekends and holidays (when the courts

are closed), you can obtain an order through the police, who will contact a judge to seek an immediate restraining order. On the next business day you must appear in court to extend the order.

Will a 209A restraining order send the defendant to jail?

When the court issues a 209A restraining order, it is a civil action intended to protect you from future abuse. The restraining order is not a criminal action and will not punish someone for what they may have already done to you. Violation of a 209A restraining order is a criminal offense.

Do I have the right to file criminal charges? You may press criminal charges with or without a 209A restraining order in effect. Criminal charges — for such offenses as assault, assault and battery, criminal harassment, violation of 209A restraining order, threats to commit a crime, stalking, etc. — can be filed with assistance of the police department or the Norfolk District Attorney's Office.

What if I change my mind?

After the restraining order is granted, you may return to court at any time to have it changed or removed. You may wish to discuss safe options with your domestic violence advocate. If you again become concerned for your safety, you may always return to court to obtain a new order or to make changes to an existing order.

Even with your permission, if the defendant contacts you, he or she may be violating the restraining order.

Help is Available

Police: Call 911

Norfolk District Attorney's Office Domestic Violence Unit 781-830-4800

Norfolk District Attorney's Office Domestic Violence Advocates

Brookline District Court (*Brookline*)
617-738-5072

Dedham District Court (*Dedham, Dover,
Medfield, Needham, Norwood, Wellesley
and Westwood*)
781-830-4800

Norfolk County Probate Court (*all Norfolk
County communities*)
781-830-4800

Quincy District Court (*Braintree, Cohasset,
Holbrook, Milton, Quincy, Randolph and
Weymouth*)
617-479-7454

Stoughton District Court (*Avon, Canton,
Sharon and Stoughton*)
781-344-9227

Wrentham District Court (*Foxborough,
Franklin, Medway, Millis, Norfolk,
Plainville, Walpole and Wrentham*)
508-384-3788

Domestic Violence Resources

Shelter and Support Services 24 hour hotlines

DOVE, Inc.
617-471-1234 or 1-888-314-3683

DOVE Youth Hotline
617-773-4878

Massachusetts Coalition Against Domestic
Violence and Sexual Assault
1-800-992-2600

New Hope, Inc.
1-800-323-4673

SafeLink: Massachusetts Statewide
Domestic Violence Hotline
1-877-785-2020

Gay and Lesbian Domestic Violence Services

Fenway Community Health Center
Violence Recovery Program
1-800-834-3242

Gay Men's Domestic Violence Project
1-800-832-1901

Network for Battered Lesbians & Bisexual
Women (Spanish/English, V/TTY)
617-423-7233

National Gay and Lesbian Hotline
1-888-843-4564

Non-English/ESL Domestic Violence Victim Services

Asian Task Force Against Domestic Violence
Hotline
617-338-2355
Services available in Cambodian, Chinese,
Hindi, Japanese, Khmer, Korean,
Vietnamese and English.

Casa Myrna Vasquez
1-800-992-2600
Services available in Spanish and English.

Womansplace Crisis Center Hotline
508-588-2041
Services available in Cape Verde, Creole,
Portuguese, Spanish and English.

Certified Batterer Treatment Programs

For a listing of Batterer Intervention
Programs that have been certified by the
Massachusetts Department of Public Health,
call 617-624-5497.

Department of Social Services Domestic Violence Unit

617-748-2333

Other Resources

24 Hour Hotlines:

Child Abuse and Neglect

Massachusetts Child at Risk Hotline
1-800-792-5200

Elder Abuse and Neglect

Massachusetts Elder Abuse Hotline
1-800-922-2275

Disabled Person Abuse and Neglect

Massachusetts Disabled Persons
Commission
1-800-426-9009

Rape Crisis Centers

Valley Rape Crisis Center (Milford)
1-800-511-5070

Boston Area Rape Crisis Center (Cambridge)
617-492-7273

New Hope (Attleboro)
1-800-323-4673

Womansplace Crisis Center (Brockton)
508-588-8255

Statewide Yamanos Spanish Language
Hotline
1-800-223-5001

For TTY/TDD users call Massachusetts Relay Service (24/7)
TTY/TDD: 1-800-439-2370 / Voice: 1-800-439-0183